N O T I C E

Notice is hereby given that a Mandate from the District Court of Appeal Affirming the Decision of the Lower Court, in the case of:

STATE OF FLORIDA

vs. GEORGE THOMAS MORRAN,

Ct. Cr. No. 81-720 CFANO Appeal No. 81-1172,

was filed in the Circuit Court for the Sixth Judicial Circuit in and for Pinellas County on

March 11, 1982

A Supersedeas Bond was posted.

KARLEEN F. DeBLAKER
CLERK CIRCUIT COURT

By: /s/Dorothy Sanderson
Deputy Clerk

Copies to:
State Attorney - Sandra Farrell
F.M. Wells, Jr., Esq.
Judge B.J. Driver
Georgia Schlottman
DOC
Sheriff - Patti Lanier

SUPERSEDEAS BOND FILED June 2, 1981 Amount $5000.00
John E. Lepke Power No. 129584
Gilbert & Lepke Bonding Agency
1421 Central Avenue
St. Petersburg, Florida 33705

Donna
File

3/15/82

MANDATE
From
DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

FILED
Mar 11 1982

County Pinellas
Appellate Case No. 81-1172
Your Case No. 81-00720-CF-N
119939

This cause having been brought to this Court by appeal, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that further proceedings be had in said cause in accordance with the opinion of this Court attached hereto and with the rules of precedure and laws of the State of Florida.

WITNESS, The Honorable John M. Scheb, Chief Judge of the District Court of Appeal of the State of Florida, Second District, and the seal of the said Court at Lakeland, Florida on this day.

March 9, 1982

/s/ William A. Haddad
Clerk District Court of
Appeal of Florida,
Second District

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

GEORGE THOMAS MORRAN,
Appellant,
v.
STATE OF FLORIDA,
Appellee.

CASE NO. 81-1172

Opinion filed January 13, 1982.

Appeal from the Circuit
Court of Pinellas County;
B.J. Driver, Judge.

F.M. Wells, Jr.,
St. Petersburg,
for Appellant.

Jim Smith, Attorney General,
Tallahassee, and Michael A.
Palecki, Assistant Attorney
General, Tampa, for Appellee.

PER CURIAM.

Affirmed.

BOARDMAN, A.C.J., and OTT and RYDER, JJ., Concur.

N O T I C E

Notice is hereby given that an Order Dismissing Petition for Review from the Supreme Court of Florida in the case of

STATE OF FLORIDA
vs. GEORGE THOMAS MORRAN,
Ct. Cr. No. 81-720 CFANO Appeal No. 81-1172,
was filed in the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County on March 29, 1982.
A Supersedeas Bond was posted.

KARLEEN F. DeBLAKER
CLERK CIRCUIT COURT

By: /s/Dorothy Sanderson
Deputy Clerk

Copies to:
State Attorney - Sandra Farrell
F.M. Wells, Jr., Esq.
Judge B.J. Driver
Georgia Schlottman
DOC
Sheriff - Patti Lanier

SUPERSEDEAS BOND FILED June 2, 1981 Amount $5000.00
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St. Petersburg, Florida 33705

Donna
File

3/29/82

IN THE SUPREME COURT OF FLORIDA
WEDNESDAY, MARCH 24, 1982

FILED
Mar 29 1982

GEORGE THOMAS MORRAN, Petitioner,	**	
vs.	**	CASE NO. 61,861
STATE OF FLORIDA,	**	DISTRICT COURT OF APPEAL, 2d DISTRICT -
Respondent.	**	No. 81-1172

It appearing to the Court that it is without jurisdiction, the Petition for Review is hereby dismissed. Jenkins v. State, 385 So.2d 1356 (Fla. 1980).

No Motion for Rehearing will be entertained by the Court.

A True Copy

TEST:

L/S

Sid J. White
Clerk Supreme Court

By: /s/Debbie Causseaux
Deputy Clerk

cc: Hon. William A. Haddad, Clerk
Hon. Karleen F. DeBlaker, Clerk
Hon. B.J. Driver, Judge

F.M. Wells, Jr., Esquire
Hon. Jim Smith

CIRCUIT COURT
FOR PINELLAS COUNTY, FLORIDA
CASE NO CRC8100720CFANO CT.CR.
SPN: 119939

STATE OF FLORIDA	)	
vs	)	VIOLATION OF FLORIDA
GEORGE THOMAS MORRAN	)	COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT (Possession of Cocaine; Possession of Marijuana; Possession of Paraphernalia, Misdemeanor)

ORDER

The foregoing cause coming on this day to be heard upon Defendant's Motion to Suppress and the same having been argued by counsel for the respective parties and duly considered by the Court; thereupon

IT IS CONSIDERED AND ORDERED that said Motion be and the same is hereby denied.

Dated this 1st day of June, 1981, in Clearwater, Florida.

/s/B.J. Driver
CIRCUIT JUDGE

IN THE CIRCUIT COURT IN AND FOR PINELLAS COUNTY, FLORIDA
CR. CRM. NO: 81-00720-CF

STATE OF FLORIDA,
Plaintiff,
vs.
GEORGE THOMAS MORRAN,
Defendant.

TRANSCRIPT OF: HEARING ON DEFENDANT'S MOTION TO SUPPRESS

DATE: June 1, 1981

BEFORE: HONORABLE B.J. DRIVER
Circuit Judge

PLACE: Courtroom A
Pinellas County Courthouse
Clearwater, Florida

REPORTED BY: MORGAN J. MOREY, CSR, RPR,
Official Court Reporter

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ROBERT C. LYTTLE

* * *

DIRECT EXAMINATION

* * *

Q All right, sir, taking you back to January 26th, 1981, the early morning hours, approximately 1:15 a.m., were you in a motel in Pinellas County, Room 40?

A Yes, sir.

* * *

33

Q Did you ever actually go inside Room 40?

A Yes, sir, I did.

Q Will you explain to us how?

A Yes, sir, myself, Detective Hawkins, and two other detectives and a uniformed officer went to the door,

34

knocked on the door of - . . . the motel room . . . . I (knocked) about three or four times. At that point the curtain was pulled back and subject looked out, the subject later identified as George Morran.

I had my ID with me. I put it up to the glass, Pinellas County Sheriff's Department, open the door, we would like to talk with you.

The drape went back down and in a matter of a few seconds later the door was opened up and Morran said, "Come on in." We went in the motel room at that time.

* * *

35

Q Did you have a weapon when you went in the room?

A Yes, I did.

Q Do you recall whether the weapon was holstered or not?

A It was unholstered.

Q Will you explain to us where the weapon was when you went in the room?

A I had it in my hand.

36

Q When you went and banged on the window, where was the gun at that point?

A At my side in my hand.

39

Q And at that time did you or anyone in the Sheriff's Office advise Mr. Morran you did not have a right to come in and he did not have to let you in?

A No, sir, we did not advise him of that.

Q Was Mr. Morran places under arrest at that time?

A No, sir, he was not.

Q And you did not have a search warrant or arrest warrant?

A That is correct.

41

Q How many deputies or uniformed officers were there outside Mr. Morran's motel room at the time you knocked on the door?

A There were four undercover deputies and one uniformed officer.

42

Q Did anyone specifically, other than reading the Miranda rights off the car, tell Mr. Morran or anyone else in the room they had the right not to have the room searched?

A I don't recall that, no, sir.

MICHAEL L. HAWKINS

DIRECT EXAMINATION

51

15 Q At that particular time did you give any thought to obtaining a search warrant?

A Yes, sir, I felt I did have some probable cause but not enough to obtain a search warrant at that point in the investigation.

52

1 Q So what did you decide as a course of action when you ascertained there was no probable cause for a search warrant or an arrest warrant? What did you do?

A Simply knocked on the door of the motel room, informed the persons inside the motel room of the narcotics investigations we were conducting, and questioned them as to that investigation.

53

6 Q Before the door was opened did you have any further discussion?

A The subject inside the room upon opening the door said, "Come in."

Q Did you, in fact, go in the room?

A Yes, sir, I did.

Q What were your actions on entering the room?

A I confronted Mr. Morran sitting on the bed closets (sic) to the door and presented to Mr. Morran who I was and that I was conduting a narcotics investigation. At that time I told Mr. Morran before I would talk to him I had to read him is Miranda rights, and at that time I removed the card from my wallet and advised him of his rights.

CROSS EXAMINATION

57

24 Q Did the police go in the room about one-fifteen?

A Yes, sir.

59

1 Q Isn't it true that your purpose in going in there was to seek evidence?

A The purpose I went in there was to continue my investigation if that was the ultimate outcome, yes, sir.

Q What legal basis did you have to go in there?

A To continue my investigation.

Q And at one-fifteen in the morning you thought it was proper and okay to knock on the door and go in that motel room?

A Yes.

Q All of the deputies had their pistols drawn outside the door?

A When were outside, yes.

Q Immediately upon entering the room or before you entered, did anyone ask for permission to enter the room, or . . .

A No, sir.

IN THE CIRCUIT COURT
FOR PINELLAS COUNTY, FLORIDA
CASE NO. 81-720CFANO
119939

STATE OF FLORIDA	)	
vs.	)	VIOLATION OF FLORIDA
GEORGE THOMAS MORRAN	)	COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT (Possession of Cocaine; Possession of Marijuana; Possession of Paraphernalia, Misdemeanor)

JUDGMENT AND SENTENCE

The defendant, being present, and with counsel, Monty Wells, upon being caused to stand before the barin the custody of the Sheriff, the Court pronounced the following judgment, to-wit:

You, George Thomas Morran, having intelligently, understandingly and advisedly entered a plea of xxxx (nolo contendere) to the crime xxxxxxxxxxxxxx of Violation of Florida Comprehensive Drug Abuse Prevention And Control Act (Possession of Cocaine; Possession of Marijuana; Possession of Paraphernalia, Misdemeanor) as (charged) xxx in the Information filed herein; and having now identified yourself to the Court as the defendant named herein; and saying nothing in bar or preclusion why the judgment and sentence of the law should not now be pronounced against you, the Court hereby adjudges you to be guilty and the following sentence is pronounced, to-wit:

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that you as to Counts I and II, shall be imprisoned by confinement and committed to the custody of the Director of the Department of Corrections for a term of FIVE YEARS, less the time spent in the County Jail of Pinellas County, Florida, to-wit: Five days. As to Count III, you shall serve in the County Jail of Pinellas County, Florida, for and during the term of SIX MONTHS, less the time spent in the County Jail of Pinellas County, Florida, to-wit: Five days.

IT IS FURTHER CONSIDERED AND ORDERED that the sentence impose in each count shall run concurrently.

The defendant is advised of his right to appeal and of his right to have counsel for appeal purposes.

The defendant is remanded to the custody of the Sheriff.

DONE AND ORDERED this 2nd day of June, 1981 in open Court in Clearwater, Florida.

/s/B.J. Driver
Judge of the Circuit Court

FINGERPRINTS OF DEFENDENT

FILED
Jun 2 1981

CERTIFICATE OF SERVICE

We hereby certify that the original and forty copies of the foregoing have been furnished to the United States Supreme Court, Clerk, Washington, D C 20543, and three copies to the Office of the Attorney General, Park Trammell Building, 1313 Tampa Street, Suite 804, Tampa, FL 33602, this 26th day of May, 1982, by U. S. Mail, postage prepaid.

B. ROBERT OHLE, ESQ.
259 Fourth Avenue North
St. Petersburg, FL 33701-3271
813/823-1551

F. M. WELLS, JR., ESQ.
P. O. Box 176
St. Petersburg, FL 33731
813/823-3737